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## 2002 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

3-18-2002

# Newmark v. Secretary Veterans

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 01-1809

ARTHUR NEWMARK, M.D.,  
Appellant

v.

\*ANTHONY PRINCIPI, SECRETARY,  
UNITED STATES DEPARTMENT OF VETERANS  
AFFAIRS; TRACY BARRETT, in her  
official capacity as Acting Chief  
of Staff, and in her individual capacity;  
MICHAEL BERKWITS, in his official capacity  
as Director of the Emergency Room, and in  
his individual capacity; EARL FALLAST;  
JOHN DOE Nos. 1-5; PHILADELPHIA VETERANS  
AFFAIRS MEDICAL CENTER

\*(Substituted Pursuant to F.R.A.P. 43(c))

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil No. 99-cv-05798)  
District Judge: Honorable Jan E. DuBois

Argued January 17, 2002  
Before: RENDELL, FUENTES, and MAGILL\*, Circuit Judges

(Opinion Filed: March 13, 2002)

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\* Hon. Frank J. Magill, Judge of the United States Court of Appeals for  
the Eighth  
Circuit, sitting by designation.

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ORDER AMENDING SLIP OPINION

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IT IS HEREBY ORDERED that the slip opinion filed in this matter on March 13, 2002, is amended as follows:

1. On page 4, line 12, delete "(Appee. Supp. Br. at 5)."
2. On page 8, first full paragraph, first line, delete the word "the" before "S.265."

BY THE COURT:

/s/ Marjorie O. Rendell  
Circuit Judge

Dated: March 18, 2002